

RESOLUTION NUMBER R- 299823

ADOPTED ON NOV 09 2004

WHEREAS, California Streets and Highways Code section 8330 et seq. provides a procedure for the summary vacation of public street easements by City Council resolution where the easements are no longer required; and

WHEREAS, the affected property owners have requested the vacation of a portion of the Tuberose Alley to unencumber this property; and

WHEREAS, the City Council finds that:

1. **There is no present or prospective use for the purpose for the public right-of-way either for the facility for which it was originally acquired, or for any other public use of a like nature that can be anticipated.** The portion of the public right-of-way proposed to be vacated is severely eroded to the extent it is impassable to vehicular traffic and pedestrian activities such that walking or cycling could be considered dangerous within the alley. Since the alley was dedicated primarily to provide vehicle access to the rear entrances to the abutting properties, the portion of the right-of-way proposed to be vacated is no longer functional for the facilities for which it was originally acquired. Additionally, the Urban Design Element of the Mid-City Communities Plan recommends that public rights-of-way be maintained where they abut property that is designated for open space preservation. No portion of the proposed alley vacation or adjacent properties has been so designated. Therefore, it is not anticipated that the portion of the right-of-way proposed to be vacated would provide a public use of a like nature.
2. **The public will benefit from this action through improved use of the land made available by vacation.** The general public will benefit from the action to partially vacate the right-of-way in that the alley is well documented as a high crime area and the vacation will facilitate the exclusion of pedestrian access into the isolated canyons. The abutting property owners would also benefit in that the vacation would revert the dedicated portion of the right-of-way back to private ownership and allow them to initiate repairs to the eroded slope.
3. **The vacation does not adversely affect any applicable land use plan.** The Urban Design Element of the Mid-City Communities Plan recommends that

public rights-of-way be maintained where they abut property that is designated for open space preservation. No portion of the proposed alley vacation or adjacent properties has been so designated. Therefore, the proposed alley vacation does not adversely impact the recommendations found in the community plan.

The proposed alley vacation also meets the goals within the Draft Azalea Park-Hollywood Park Revitalization Action Program [RAP] for improving neighborhood canyons by preventing dumping and the spread of litter, and reducing fire hazards in canyons. Improving access to neighborhood canyons is also a goal expressed in the RAP. The neighborhood canyon most affected by the proposed alley vacation is Snowdrop Canyon. Although improving access to neighborhood canyons is encouraged as one of the broad goals of the RAP, it was meant to highlight the most well traveled and utilized canyon in the neighborhood – Manzanita Canyon. Currently, the RAP only contains recommendations for improving access to Manzanita Canyon through the creation of pedestrian and bike pathways, the installation map placards at entryways, and by improving ADA accessibility. Therefore, the proposed vacation action would not adversely affect the Draft Azalea Park-Hollywood Park Revitalization Action Program.

4. **The public facility for which the public right-of-way was originally acquired will not be detrimentally affected by this vacation.** Subdivision records indicate that the alley was dedicated as part of the re-subdivision of the City Heights area in 1917 in conjunction with the Lexington Park Subdivision as described on Map No. 1696. However, the purpose and intent for which the public right-of-way was originally dedicated is no longer in effect. The California Vehicle Code [2001] defines an alley as a roadway less than 25 feet wide primarily used for access to the rear or side entrances of abutting properties. The portion of the alley proposed to be vacated is impassable to vehicle traffic and does not provide access to any of the abutting properties. Additionally, the steep gradient along parts of the right-of-way due to erosion poses potential safety issues for pedestrian users. Properties that currently take access from the alley would not be affected by the partial vacation of the right-of-way. Therefore, the public facility for which the public right-of-way was originally acquired will not be detrimentally affected by the proposed vacation; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, as follows:

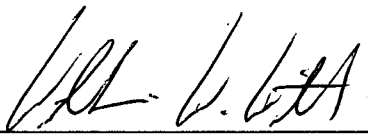
1. That the portion of the alley between Tuberosa Street and Snowdrop Street, as more particularly described in the legal description marked as Exhibit "A," and shown on Drawing No. 20292-B, marked as Exhibit "B," and on file in the office of the City Clerk as Document Nos. RR- 299823-1, and RR- 299823-2, which are by this reference incorporated

herein and made a part hereof, is ordered vacated, reserving therefrom an easement for general utility and emergency access together with ingress and egress for that purpose.

2. That said easement vacation is conditioned upon the applicant, to the satisfaction of the City Engineer, removing the existing alley pedestrian ramps within the Tuberoso Street right-of-way and installing curb, gutter and sidewalk to match the existing improvements. In the event this condition is not completed within one year following the adoption of this resolution, then this resolution shall become void and be of no further force or effect.

3. That the City Engineer shall advise the City Clerk of the completion of the aforementioned condition and the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by him under seal, to be recorded in the office of the County Recorder

APPROVED: CASEY GWINN, City Attorney

By 
William W. Witt
Deputy City Attorney

WWW:pev
10/22/04
Or.Dept:DSD
SA: 00-504
WO: 120102
Dwg:20292-B
R-2005-458
MMS#963

EXHIBIT "A"

ALLEY VACATION

A PORTION OF THE ALLEY AS DEDICATED PER MAP NO. 1969 LYING BETWEEN SNOWDROP STREET AND TUBEROSE STREET.

ALL THAT PORTION OF THE ALLEY LYING SOUTHWESTERLY FROM THE SOUTHEASTERLY PROLONGATION OF SOUTHWESTERLY LINE OF LOT 4 IN BLOCK 25 OF LEXINGTON PARK, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1696, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

CONTAINING 0.060 ACRES, MORE OR LESS.

RESERVING THEREFROM A GENERAL UTILITY EASEMENT AND ACCESS EASEMENT OVER THAT PORTION OF THE ALLEY LYING BETWEEN THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF LOT 4 AND THE SOUTHEASTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF LOT 7 IN BLOCK 25 OF LEXINGTON PARK IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1696, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

CONTAINING 0.026 ACRES, MORE OR LESS.



GARY A. LINTVEDT

08/13/04



LMA W.O. 12379
W.O. NO. 120102
DWG. NO.

R-299823

LEGEND



PARCEL "A" - INDICATES PORTION OF ALLEY AS DEDICATED PER MAP NO. 1696, VACATED



INDICATES GENERAL UTILITY AND ACCESS EASEMENT RESERVED FROM PORTION OF ALLEY VACATION

SCALE: 1" = 30'

ASSESSOR'S PARCEL NO.

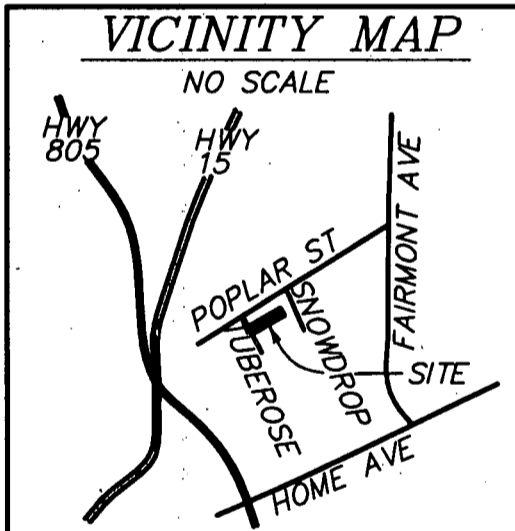
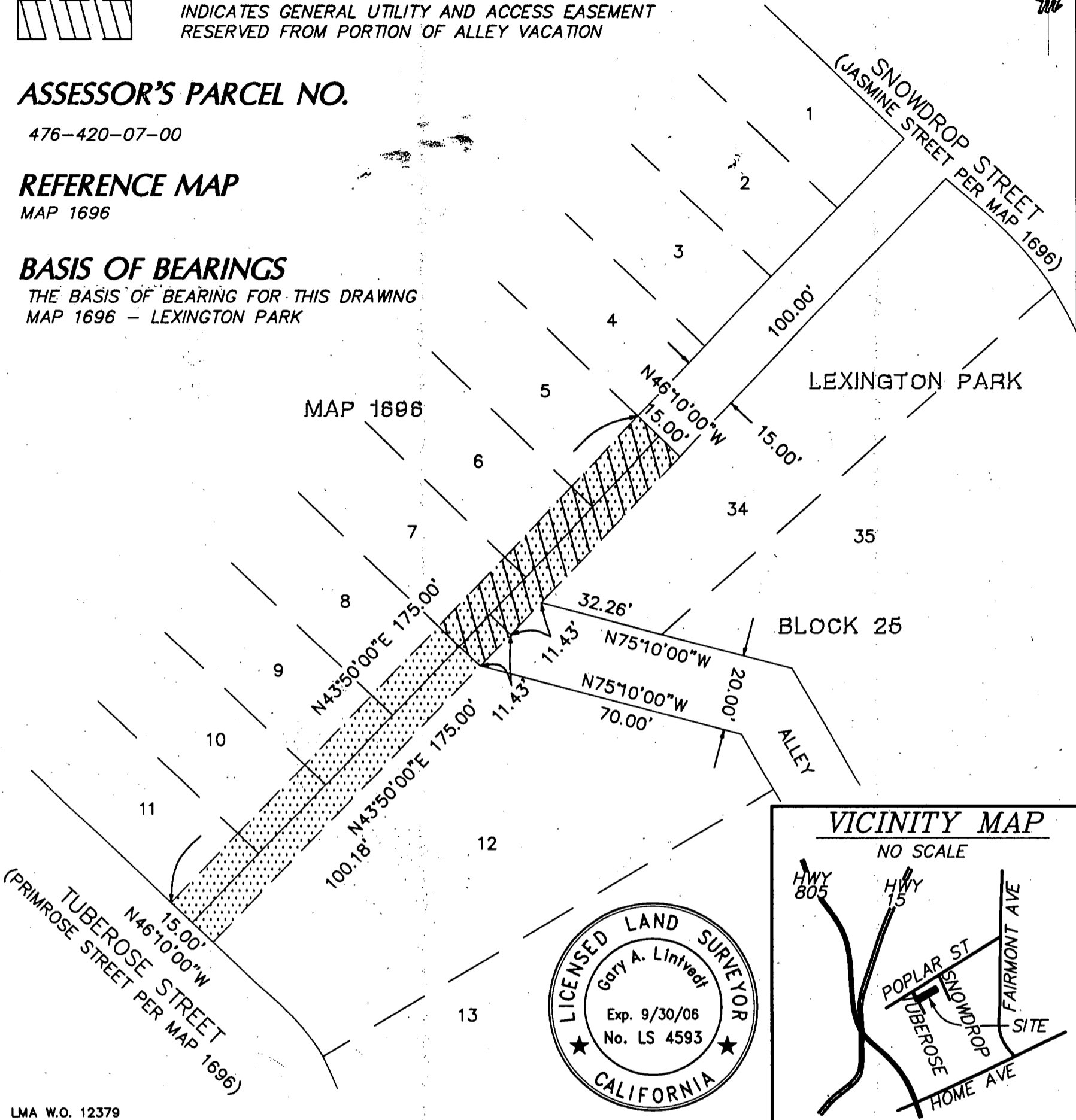
476-420-07-00

REFERENCE MAP

MAP 1696

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS DRAWING
MAP 1696 - LEXINGTON PARK



LMA W.O. 12379

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 San Diego, California 92108
 PHONE (619)294-4440 FAX (619)294-4442

G. A. Lintvedt 08-13-04
 GARY A. LINTVEDT L.S. 4593 DATE

ALLEY VACATION

BETWEEN LOTS 1-11, 12 AND 34 IN BLOCK 25, MAP NO. 1696 - LEXINGTON PARK

DESCRIPTION	BY	APPROVED	DATE	FILMED	CITY OF SAN DIEGO, CALIFORNIA	W.O. NO. 120102
ORIGINAL					SHEET 1 OF 1 SHEETS	P.T.S. NO. 12624
					<i>Luc Hennessy</i> 10/21/04 FOR CITY ENGINEER DATE	1846 - 6297 CCS(NAD 83) COORDINATES
						206 - 1737 CCS27 COORDINATES
						20292 - B
STATUS						

299823